

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

\*\*\*\*\*  
DONNA K. SOUTTER, For Herself and On Behalf of All  
Similarly Situated Individuals,

Plaintiffs,

v.

Civil Action Number  
3:10cv107

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

\*\*\*\*\*

DEPOSITION OF

DAVID SAVAGE

October 6, 2010

2:04 p.m. - 2:21 p.m.

Richmond, Virginia

JOB NO: 33526

REPORTED BY: GWENDA E. APPELEGATE, RPR, CRR

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Deposition of DAVID SAVAGE, taken and transcribed on behalf of the Defendant, by and before Gwenda E. Applegate, Court Reporter, Notary Public in and for the Commonwealth of Virginia at large, pursuant to Rule 30 of the Rules of Civil Procedure, and by Notice to Take Depositions; commencing at 2:04 p.m., October 6, 2010, at McGuire Woods, 901 East Cary Street, Richmond, Virginia.

## APPEARANCES OF COUNSEL:

By: CONSUMER LITIGATION ASSOCIATES, P.C.  
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Newport News, VA 23606  
LEONARD A. BENNETT, ESQ.,  
-- and --  
MATTHEW J. ERAUSQUIN, ESQ.,  
Counsel for the Plaintiffs

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J. ANTHONY LOVE, ESQ.,  
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PAUL KUGELMAN, JR., ESQ.,  
Counsel for the Deponent

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## I N D E X

## WITNESS:

## DAVID SAVAGE

Examination by Mr. Love.....4, 16

Examination by Mr. Bennett.....10

## E X H I B I T S

NUMBER	DESCRIPTION:	MARKED:
	(NONE)	

\* \* \* \* \*

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(October 6, 2010, 2:04 p.m.)

## DAVID SAVAGE

first duly sworn, testified as follows:

## E X A M I N A T I O N

BY MR. LOVE:

Q Would you state your name for the record, please.

A David Savage.

Q Mr. Savage, my name is Tony Love, and I'm one of the attorneys representing Equifax, the defendant in the case filed against it by Donna Soutter in federal court. Some of Ms. Soutter's attorneys are here as well.

You and I spoke recently on the telephone one time about this case; is that right?

A That is correct.

Q But that was the only conversation we've had about it, and we've never met in person, have we?

A That is correct.

Q Okay. Would you state your -- who do you work for?

A Agency-wise or personnel-wise?

Q Well, agency-wise.

A Okay. I work for the supreme court. It's

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really the Office of the Executive Secretary. My paycheck comes out of the supreme court, but I actually work for the Office of the Executive Secretary in the IT department.

Q All right, sir. And what is your job title?

A My job title is district team leader.

Q And what are your responsibilities as a district team leader there with the supreme court?

A I oversee a portion of the programming for our district CMS systems. We have two district CMS systems, a JDR case management system and a general district CMS, case manage system. And I'm responsible for the programming and installation of those systems.

Q How long have you had this position?

A I've been working for the supreme court since 1982. And my job as the district team leader, I really -- I don't know. At least 15 years.

Q All right, sir. And are you familiar with the types of court records including judgments and the dispositions of judgments that are maintained by the general district courts and the circuit courts throughout the State of Virginia?

A I have a general knowledge, not a detailed knowledge. That is another group. But I do have a general knowledge.

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1 Q Are you aware that Ms. Soutter's attorneys in  
2 this case contacted the State of Virginia and requested  
3 the state to provide certain information about consumers  
4 related to this case?

5 A I am aware of that, yes.

6 Q And how did you become aware of the request by  
7 Ms. Soutter's attorneys for this information?

8 A I believe it was through an e-mail from Eddie  
9 Macon.

10 Q And who is Eddie Macon?

11 A That's a good question. I just know he works  
12 in the -- he's either assistant executive secretary. I  
13 don't know his official title.

14 Q Do you know whether he's an attorney or not?

15 A I do not know if he's an attorney or not.

16 Q He's not a computer programmer in your group,  
17 is he?

18 A No, he is not.

19 Q Okay. What did Mr. Macon ask you to do?

20 A He asked us to create a query from our  
21 database to extract civil cases in the general district  
22 court that had either an appeal, a vacated judgment or a  
23 satisfied judgment. And he gave a timeframe. I don't  
24 remember the exact timeframe without looking at the  
25 request.

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1 price on it because it's a different hourly rate based  
2 on programming effort and run time. And it ran a lot  
3 sooner, a lot faster than we thought.

4 Q Did you have to hire anyone outside of your  
5 normal employees, your normal full-time employees to  
6 help process any of this?

7 A No.

8 Q What was your involvement in preparing the  
9 list?

10 A I helped to interpret the request because  
11 people that submit queries don't usually use the same  
12 jargon language that we're used to, and so we have to  
13 kind of interpret what they want. There was a lot of  
14 e-mails going back and forth between me, Eddie Macon and  
15 Soutter's representatives to make sure we had the  
16 request exactly as they wanted it.

17 Q Do you have any recollection of any issues  
18 that arose in terms of coming up with the final search  
19 elements that were going to be used?

20 A There were several questions. I don't have  
21 e-mails in front of me. But there were questions just,  
22 again, to make sure that we had the right data elements  
23 and make sure they understood what they were getting.  
24 But I don't recall any specific one offhand.

25 Q Did you review the final list of data

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1 Q Did you ask someone in your group to assist  
2 with processing that request?

3 A Yes, I did.

4 Q Who did you ask?

5 A That was Mamiko Barnard.

6 Q Did the state charge Ms. Soutter's counsel for  
7 creating this list?

8 A Yes, they did.

9 Q And what was the cost for creating the list?

10 A I do not know. Eddie Macon had put all that  
11 together. We gave him the hours that it took us to  
12 create the job and the number of hours it took to  
13 create -- to run the job. And that's all I know.

14 Q Does \$2,400 sound right?

15 A That could be right. I'm sure Eddie Macon has  
16 sent an e-mail about that. But I'm -- I don't remember  
17 things like I used to. But it was way under what we had  
18 projected it to be. We thought it was going to be a lot  
19 more intense but we were able to streamline it.

20 Q How much did you originally project that it  
21 would be?

22 A I thought it was somewhere around 20,000, to  
23 be quite honest, but I don't -- again, Eddie did all  
24 the -- we gave him the hours that it would be projected  
25 it would take to do this request and then he puts a

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1 requested by Ms. Soutter's attorneys before it was  
2 produced to them?

3 A No, I did not.

4 Q Have you ever reviewed it?

5 A No, I have not.

6 Q Do you know whether Ms. Soutter appears on the  
7 list?

8 A I've heard that it was not on the list.

9 Q Do you know why she wasn't on the list?

10 A Yes.

11 Q Why wasn't she on the list?

12 A The request was very specific for vacated  
13 judgments, judgment satisfactions and appeal dates, and  
14 that did not apply to the case, Ms. Soutter's case.

15 Q Was she listed with a different status in her  
16 case?

17 A On our case management system she was listed  
18 with a different status.

19 Q And what was that status?

20 A That status was dismissed.

21 Q Now, all of the information that was on the  
22 list comes from the case management systems from the  
23 general district courts throughout the State of  
24 Virginia; is that right?

25 A That is correct.

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1 Q And that information goes to the database  
2 maintained by the Virginia Supreme Court?

3 A That is correct.

4 Q And if court clerks make mistakes in entering  
5 the data that is entered into their case management  
6 system at the various clerks' offices throughout the  
7 State of Virginia, then that same error will be  
8 transmitted to the Virginia Supreme Court's database; is  
9 that right?

10 A That is correct.

11 Q And so if any of those types of errors  
12 occurred in the collection or entry of data by the  
13 clerks throughout the general district courts in  
14 Virginia, then the information on the list that was  
15 produced to plaintiff's counsel could also contain those  
16 errors; is that fair to say?

17 A That is correct.

18 MR. LOVE: Those are all the questions I have.  
19 Thank you.

#### 20 EXAMINATION

21 BY MR. BENNETT:

22 Q I have a couple, not many.

23 The role that you described yourself as having  
24 served was essentially to translate the request coming  
25

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1 from outside the system into the data fields and the  
2 elements within the actual state's computer system;  
3 correct?

4 A That is correct.

5 Q And the questions that were asked about Donna  
6 Soutter, when you received the request for vacates, that  
7 was translated into cases that had the A code, which  
8 means -- that's correct, right?

9 A That is correct.

10 Q All right. And that means that is the last  
11 activity, judgment activity that has occurred in that  
12 case, if it's an A?

13 A I cannot say that.

14 Q Well, for example, if a case -- do you know  
15 what a vacation of a judgment is generally?

16 A I have a general idea. Do I have a complete  
17 understanding? No. As a programmer we get  
18 requirements. They tell us these are the codes that we  
19 need and we implement that.

20 Q But you, you would have knowledge that a case  
21 can be -- a judgment, rather, can be vacated, and then  
22 after it's vacated, could then be dismissed?

23 A From a legal standpoint, I cannot answer that  
24 question. From a computer standpoint, our system will  
25 allow that.

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1 Q And the way that the computer system would  
2 reflect that type of event is by putting in as the last  
3 disposition code the "I" code for case dismissed;  
4 correct?

5 A That is correct.

6 Q And? I mean, I don't want to ever hold a  
7 witness --

8 A I know. I just want to clarify that vacated  
9 is not a case disposition as such. And I just want to  
10 make sure, if you understand that, --

11 Q Yes.

12 A -- it's really a judgment on an individual,  
13 which could be different than the case disposition.

14 Q That's right.

15 A Okay.

16 Q But you -- and we've gone through -- as a  
17 matter of fact, why don't I offer you the Donna Soutter  
18 record which is Exhibit Number 2? As I understand, this  
19 document was sent to my co-counsel during the meeting  
20 that they had with you and other employees of the  
21 executive secretary of the supreme court last week.  
22 Were you the person who participated in getting this  
23 outputted?

24 A That is correct.

25 Q And as I understand, the first page is the 00

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1 screen for this judgment number, and the second page is  
2 the 01 screen?

3 A That is correct.

4 Q This is the same type of -- for example, 01 or  
5 02 or so forth would be sort of a sub-filing for  
6 post-judgment activity?

7 A That is correct.

8 Q So garnishments might also be included?

9 A That is correct.

10 Q Right. And in this instance, the  
11 post-judgment activity would -- in this instance, I  
12 guess you could divine it from the remarks section that  
13 there was a motion to vacate filed. Do you see that?

14 A I see it. I --

15 Q You wouldn't know necessarily?

16 A I can divine it also but I can't say that's  
17 exactly what was going on with this case.

18 Q Got it. But it would show, for the line  
19 number one on the 01 sub screen, it would show zero for  
20 the March 20th, '08 date, and that would mean some other  
21 event besides continued, default judgment or judgment?

22 A Right. That would be "other." It's an "O"  
23 for "other."

24 Q Now going back to the front page, the primary  
25 screen, the -- we've already, I think all of us have

<p style="text-align: right;">Page 14</p> <p>1 talked through this with the prior witnesses and our own  2 knowledge base now, that is the event of a judgment  3 being -- a case being dismissed could occur for the case  4 in general as to every defendant in the case, or it  5 could just occur as to one; for example, if you had a  6 husband and wife, maybe it's dismissed as to the husband  7 but not as to the wife?  8 A That is correct.  9 Q All right. If the case overall is dismissed,  10 then that is coded on the field on the left that says  11 "case DISP," case disposition?  12 A That is correct.  13 Q And the "I" that's on this exhibit reflects  14 that it was dismissed as to Donna Soutter?  15 A That is correct.  16 Q The top right has DEF or defendant 1 and DEF2.  17 Do you see that?  18 A Yes.  19 Q And this to the right of that is the "J"  20 field. This would be where the defendant specific  21 judgment event would be noted?  22 A That is correct.  23 Q And in this instance it also is "I," which  24 means it was dismissed as to Donna Soutter?  25 A That is correct.</p>	<p style="text-align: right;">Page 15</p> <p>1 Q Had we requested the "I" field instead of  2 simply vacate which became interpreted as the A field,  3 there's nothing -- I mean, I understand expense and time  4 and the like. But there isn't any structural or  5 technical difficulty in having included that?  6 A No. There is no difficulty.  7 Q Okay. It might take more computer time, might  8 cost us more, but it's basically the same --  9 A It probably wouldn't have made any difference.  10 Q Okay. As far as from a data organization  11 perspective, the field that you searched for in this "J"  12 under DEF1 field, I mean the values you would search  13 for, are -- the computer interprets them as just a  14 letter?  15 A That is correct.  16 Q So you search for "A" or "I" or "D," it's just  17 whatever letter you want, the computer could find it?  18 A That is correct.  19 Q And the search would be -- well, that's all I  20 need to ask.  21 MR. BENNETT: I don't have any other questions  22 and I appreciate your time.  23  24  25</p>
<p style="text-align: right;">Page 16</p> <p>1 FURTHER  2 EXAMINATION  3 BY MR. LOVE:  4 Q Just a few follow-ups. On the document, the  5 screen shot that Ms. Soutter's counsel was just asking  6 you about, this would show whether Ms. Soutter appealed  7 the judgment against her; correct?  8 A That is correct.  9 Q And according to the records here, there's no  10 indication that she appealed the judgment against her;  11 right?  12 A That is correct.  13 Q This record would show whether the judgment  14 against Ms. Soutter was satisfied; is that right?  15 A That is correct.  16 Q And this doesn't show that the judgment  17 against Ms. Soutter was satisfied, does it?  18 A That is correct.  19 Q And this document could also show whether the  20 judgment against Ms. Soutter was vacated; is that right?  21 A That is correct.  22 Q And it doesn't show that the judgment against  23 her was vacated?  24 A That is correct.  25 Q It shows that the judgment against her was</p>	<p style="text-align: right;">Page 17</p> <p>1 dismissed?  2 A That is correct.  3 Q Now, Mr. Bennett asked you or he mentioned a  4 meeting that you had with him and maybe other members of  5 Ms. Soutter's team --  6 MR. BENNETT: It wasn't with me.  7 MR. LOVE: I apologize.  8 BY MR. LOVE:  9 Q Or with certain counsel --  10 A Right.  11 Q -- for Ms. Soutter. And let me just ask it  12 this way. After you prepared the list, you and your  13 team prepared the list that was requested by  14 Ms. Soutter's counsel, did you meet with certain of her  15 counsel to discuss the list and the outcome of your  16 search?  17 A Yes.  18 Q And when did that meeting occur?  19 MR. KUGELMAN: Answer to the best of your  20 recollection. I mean, I --  21 THE WITNESS: It was last week. It was just  22 last week. It was not right after we had created  23 the list. It was when we were all getting ready to  24 do the deposition and we were meeting individually.  25 BY MR. LOVE:</p>

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1 Q Did Ms. Soutter's counsel have any questions  
2 about the outcome of the search and the contents of the  
3 list?

4 A To my recollection they were asking the  
5 general questions such as the ones that were asked here,  
6 if that's what you're referring to.

7 Q Did they have any concerns about any people  
8 that were missing from the list?

9 A They had concerns about why they received  
10 certain records, and we explained to them why they  
11 received certain records.

12 Q Which records were they concerned about  
13 receiving?

14 A They received somewhere like 16,000 vacated  
15 judgments, and for some reason I don't remember, they  
16 were not -- I think they were looking at the list and  
17 they were misinterpreting, they thought it was -- they  
18 were looking for the judgment satisfieds and the  
19 appeals. And it turned out that these records weren't  
20 satisfied or appealed but they were vacated. And I'm  
21 not sure why they -- I know why. I know what the reason  
22 is now.

23 When you have multiple defendants, you can  
24 have one vacated and you can have another defendant with  
25 a space, a dismissed or another judgment. And they were

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1  
2 AND FURTHER THIS DEPONENT SAITH NOT.

3  
4 SIGNATURE OF THE WITNESS WAIVED BY  
5 AGREEMENT OF COUNSEL AND THE WITNESS.

6  
7 (Deposition concluded at 2:21 p.m.)

8 \* \* \* \* \*

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1 looking specifically for vacated, judgment satisfied and  
2 appeals. But they also wanted all parties. Whenever we  
3 found one defendant, they wanted a list of all the  
4 related defendants on that case. So there was a slew of  
5 cases or defendant records that didn't have any one of  
6 those criteria, and it was because they were related to  
7 another defendant on that same case.

8 And so that was the reason they were asking  
9 the question they had. They wanted to know why that  
10 defendant showed up on a list when they weren't vacated,  
11 they weren't satisfied, and it wasn't dismissed --  
12 appealed, but it was because another defendant had been.

13 Q So on the list that was put together, there  
14 are individuals or businesses on the list who didn't  
15 have a judgment that was appealed, vacated or --

16 A I believe that's what we --

17 Q -- satisfied?

18 A I believe that's what we determined.

19 Q Was there any concern expressed over Donna  
20 Soutter not being on the list?

21 A I, I honestly don't remember. I don't  
22 remember.

23 MR. LOVE: Thank you. Those are all the  
24 questions I have.

25 MR. BENNETT: Thank you very much.

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Gwenda E. Applegate, Court Reporter,  
3 Notary Public in and for the Commonwealth of  
4 Virginia at Large, and whose commission expires  
5 November 30, 2013, do certify that the aforementioned  
6 appeared before me, was sworn by me, and was thereupon  
7 examined by counsel; and that the foregoing is a true,  
8 correct, and full transcript of the testimony adduced.

9 I further certify that I am neither  
10 related to nor associated with any counsel or party  
11 to this proceeding, nor otherwise interested in the  
12 event thereof.

13 Given under my hand and notarial seal at  
14 Charlottesville, Virginia, this 8th day of October  
15 2010.

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21 \_\_\_\_\_  
22 Gwenda E. Applegate, Notary Public  
23 Commonwealth of Virginia at Large  
24 Registration Number 115863  
25

CHANGES REQUESTED TO THE DEPOSITION OF:  
DAVID SAVAGE  
TAKEN: October 6, 2010

PAGE/LINE: DESCRIPTION

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DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

REPORTED BY: GWENDA E. APPLGATE, RPR, CRR

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